IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.246 OF 2005
IN
WRIT PETITION NO.5535 OF 2005

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.M.M.Varma with Mr.Rajesh Gehani for the appellants.

CORAM: SMT.RANJANA DESAI &
D.B.BHOSALE, JJ.

DATED: 14TH FEBRUARY, 2006.

P.C.:

. This letters patent appeal is directed against the order dated 22nd September, 2005 passed by the learned Single Judge in Writ Petition No.5535 of 2005. We have heard learned counsel for the appellants at great length. He drew our attention to the evidence and pointed out that the Labour Court erred in coming to the conclusion that the respondent was not doing executive work. He submitted that evidence on record clearly indicated that she was a workman and hence the learned Single Judge of this Court has erred in concurring with the Labour Court. We are unable to

agree with the learned counsel. It is pertinent to note that on 4.8.1989 a letter was issued to the respondent by the Company complaining about her habitual late coming and informing her that action under the Model Standing orders will be taken against her and immediately thereafter her services were terminated. The fact that company thought that action could be initiated against the respondent under the Model Standing orders is sufficient indication that the respondent is a workman. Besides that it is observed that the company has not examined any witness who was having personal knowledge of duties of the respondent. In such situation we cannot fault the reasoning of the Labour Court which has been accepted by the learned Single Judge. No interference is necessary. The appeal is dismissed.

(D.B.Bhosale,J.) (Smt.Ranjana Desai,J.)